



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,020	08/07/2001	Isamu Kaneko	211A 3154	3041

7590 04/10/2003
KODA & ANDROLIA
Suite 3850
2029 Century Park East
Los Angeles, CA 90067

EXAMINER

RAIZEN, DEBORAH A

ART UNIT	PAPER NUMBER
----------	--------------

2873

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,020

Applicant(s)

KANEKO, ISAMU

Examiner

Deborah A. Raizen

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoyama et al. (5,161,040). In regard to claim 1, Yokoyama discloses an image pickup lens (51 in Fig. 6 or 112 in Fig. 11; Because a lens in an optical-disk reader/writer picks up light to form an image, as disclosed in line 3 of the abstract, it would fit within a broad interpretation of the term “image pickup lens”) including a lens body (formed of lenses 52 and 54) wherein at least one of faces of said lens body is formed into an aspherical shape (col. 7, lines 31-32), and at least one of a first face of said lens body adjacent an object and a second face of said lens body (54 in Fig. 6, or 116 in Fig. 11) adjacent an image pickup surface (broad interpretation of “image pickup surface” could include recording medium 119 in Fig. 11; alternatively, in read mode, medium 119 is an object) is a flat Fresnel face (54 in Fig 6 or 116 in Fig. 11; col. 7, lines 23-24 and col. 9, line 53).

In regard to claim 2, in the Yokoyama image pickup lens, the lens body is comprised of a single lens piece (col. 7, lines 23-24).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama et al. in view of the explanation of achromatic combinations found in optics textbooks such as Joseph Morgan's *Introduction to Geometrical and Physical Optics*, (McGraw-Hill, New York) 1953, pp. 114-121. In regard to claim 3, Yokoyama discloses an image-pickup lens according to claim 1, as discussed above. Yokoyama does not disclose that the lens body is formed of two lens pieces bonded to each other. However, Morgan discloses a lens body formed of two lens pieces bonded to each other (pp. 118 and 119, second column and p. 119, first column, second paragraph). Furthermore, Morgan teaches that such doublets can be used to reduce both lateral and longitudinal chromatic aberration (p. 120, last paragraph of section 7.14). Therefore, it would have been obvious to one of ordinary skill in the art to form the Yokoyama image-pickup lens of two lens pieces bonded to each other because such a cemented doublet can reduce chromatic aberration.

In regard to claim 4, Morgan discloses that the two lens pieces are made of different materials (p. 119, last two lines) and teaches that the dispersive powers (and hence—materials) of the two lens pieces need to be different in order to correct chromatic aberration with a convergent combination (p. 119, last paragraph). Therefore, it would have been obvious to one of ordinary skill in the art to form the Yokoyama image-pickup lens of two lens pieces of

Art Unit: 2873

different materials because this feature is necessary for forming a convergent combination that corrects for chromatic aberration.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Some embodiments in Shie et al. (6,266,476) meet the limitations of claims 1 and 2, already rejected above.

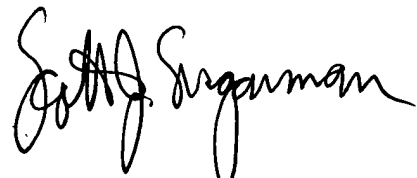
Art Unit: 2873

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah A. Raizen whose telephone number is (703) 305-7940. The examiner can normally be reached on Monday-Friday, from 8 a.m. to 4:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (703) 308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

dar
April 2, 2003

A handwritten signature in black ink, appearing to read "Scott J. Sugarman". The signature is fluid and cursive, with the first name "Scott" and last name "Sugarman" clearly distinguishable.

Scott J. Sugarman
Primary Examiner